



PATENTS
GS-30 Cont. 4 Re.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION

Application for
Reissue of Patent No. : 6,321,381

Issued : November 20, 2001

Applicants : Henry C. Yuen et al.

Application No. : 10/720,006 Conf. No. : 3985

Filed : November 20, 2003

For : APPARATUS AND METHOD FOR IMPROVED
PARENTAL CONTROL OF TELEVISION USE

Art Unit : 2614

New York, New York 10020
October 25, 2005

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

"Express Mail" mailing label number EV619633417US
Date of Deposit October 25, 2005

I hereby certify that the enclosures listed below are being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Name Isatta B. Smith

Encl.:

1. Transmittal Letter (in duplicate);
2. Petition Under 37 C.F.R. § 1.137(b) for Revival of Unintentionally Abandoned Patent Application (in duplicate);
3. Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a) (in duplicate);

4. A copy of the July 9, 2004 Petition Under 37 C.F.R.
§ 1.47(a);
5. A copy of a letter to Mr. Paul R. Niehaus dated May 11, 2004;
6. A copy of a letter to Mr. Samir Armaly dated May 18, 2004;
7. A copy of a letter to Mr. Paul R. Niehaus dated May 25, 2004;
8. A copy of the September 21, 2004 Decision Refusing Status
Under 37 C.F.R. § 1.47(a); and
9. Return postcard



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REISSUE APPLICATION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith:

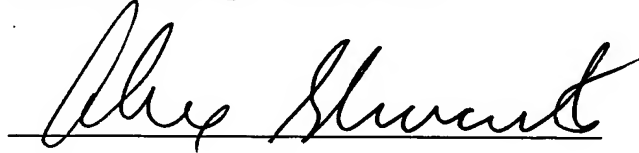
1. Petition Under 37 C.F.R. § 1.137(b) for Revival of Unintentionally Abandoned Patent Application (in duplicate);
2. Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a) (in duplicate);
3. A copy of the July 9, 2004 Petition Under 37 C.F.R. § 1.47(a);
4. A copy of a letter to Mr. Paul R. Niehaus dated May 11, 2004;
5. A copy of a letter to Mr. Samir Armaly dated May 18, 2004;

6. A copy of a letter to Mr. Paul R. Niehaus dated May 25, 2004;
and
7. A copy of the September 21, 2004 Decision Refusing Status
Under 37 C.F.R. § 1.47(a);

to be filed in connection with the above-identified patent application.

The Director is hereby authorized to charge \$1,370.00 in payment of the petition fee set forth in 37 C.F.R. § 1.17(m) to Deposit Account No. 06-1075 (Order No. 004033-0030). The Director is also authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the papers transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075 (Order No. 004033-0030). A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alex Shvarts", is written over a horizontal line.

Alexander Shvarts
Registration No. 47,943
Attorney for Applicants

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
(212) 596-9000



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JFW

PATENTS
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION

Application for

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Issued : November 20, 2001

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New York, New York 10020
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P.O. Box 1450
Arlington, Virginia 22313-1450

PETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL
OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicants hereby petition for revival of the above-identified patent application, which has been abandoned because of failure to respond to a Decision Refusing Status Under 37 C.F.R. § 1.47(a).

37 C.F.R. § 1.137(b) (1)

This petition is accompanied by a Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a), which corrects the deficiencies indicated in the Decision.

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37 C.F.R. § 1.137(b) (2)

The Director is hereby authorized to charge \$1,370.00 in payment of the petition fee set forth in 37 C.F.R. § 1.17(m), and to debit any underpayment or credit any overpayment in connection with this Petition, to Deposit Account No. 06-1075 (Order No. 004033-0030). A duplicate copy of this Petition is enclosed herewith.

37 C.F.R. § 1.137(b) (3)

Any delay in responding to the Decision Refusing Status Under 37 C.F.R. § 1.47(a), including the delay in filing this petition, was unintentional.

The above-identified reissue application of Patent No. 6,321,381 ("the underlying patent") was filed on November 20, 2003 by Christie, Parker & Hale, LLP ("CPH") on behalf of the applicants and assignee. In December 2003, responsibility for the application was transferred from CPH to Fish & Neave LLP, now the Fish & Neave IP Group of Ropes & Gray LLP ("FN"). FN filed a Revocation of Power of Attorney, New Power of Attorney by Assignee, Change of Correspondence Address, and Change of Attorney Docket Number ("Revocation") in the underlying patent on January 23, 2004, granting power of attorney to, *inter alia*, several agents and attorneys employed by FN and changing the correspondence address to FN's offices. The Revocation stated that the new power of attorney would apply to "any proceedings involving this patent and any divisions, continuations in whole or in part, renewals and reissues of the same," making it effective in the above-identified application.

Despite the filing of a valid Revocation in the patent application family, the U.S. Patent and Trademark Office ("USPTO") mailed a Notice to File Missing Parts of Reissue Application to CPH on March 10, 2004, requesting a copy of an executed oath or declaration. CPH forwarded the Notice to File Missing Parts of Reissue Application to FN upon receiving it. On July 9, 2004, FN filed a Reply to the Notice to File Missing Parts. Enclosed with the Reply were

copies of declarations executed by all applicants except for Henry C. Yuen, as well as a petition under 37 C.F.R.

§ 1.47(a) to make application in the name of the signing inventors on behalf of themselves and the omitted inventor, Henry C. Yuen. On September 21, 2004, the USPTO responded to the petition by mailing a Decision Refusing Status Under 37 C.F.R. § 1.47(a) to CPH, setting a two-month period for reply. According to CPH, they forwarded the Decision to FN shortly after its receipt. However, FN has no record of ever having received the Decision.*

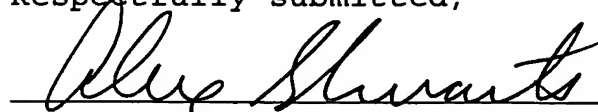
On August 4, 2005, FN filed a Status Inquiry in the instant patent application. Ms. Roxanne Rawls of the USPTO contacted the undersigned attorney on September 14, 2005 and indicated that the application has been abandoned due to failure to respond to the Decision. Accordingly, FN is now filing this Petition to revive the instant patent application.

* On October 24, 2004, CPH inadvertently filed a Change of Correspondence Address document in connection with the instant patent application indicating that all correspondence be directed to CPH's office. The USPTO responded by issuing a Change of Address/Power of Attorney document on December 29, 2004, associating this application with CPH's Customer Number.

Conclusion

Prompt grant of this petition is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alex Shvarts", is written over a horizontal line.

Alexander Shvarts
Registration No. 47,943
Attorney for Applicants

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
(212) 596-9000



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PATENTS
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Application for
Reissue of Patent No. : 6,321,381

Issued : November 20, 2001

Applicants : Henry C. Yuen et al.

Application No. : 10/720,006 Conf. No. : 3985

Filed : November 20, 2003

For : APPARATUS AND METHOD FOR IMPROVED
PARENTAL CONTROL OF TELEVISION USE

Art Unit : 2614

New York, New York 10020
October 25, 2005

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Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

This is in response to the September 21, 2004
Decision Refusing Status Under 37 C.F.R. § 1.47(a) issued by
the U.S. Patent and Trademark Office ("USPTO") for the above-
identified patent application. The Decision states that the
Petition Under 37 C.F.R. § 1.47(a) filed by applicants on
July 9, 2004 failed to establish that a bona fide effort had

been made to present a copy of the application papers to each non-signing inventor, and that the non-signing inventor received a copy of those application papers and thereafter refused to execute the oath or declaration. In particular, the Decision states that while applicants' Petition references the enclosure of a written refusal by the legal representative of the non-signing inventor, no such document has been located in the official application file.

While applicants believe all referenced documents were transmitted with the July 9, 2004 Petition Under 37 C.F.R. § 1.47(a), if there was, in fact, a missing document, it was left out inadvertently and unintentionally. In response to the Decision, applicants are submitting herewith a copy of the July 9, 2004 Petition Under 37 C.F.R. § 1.47(a), as well as a copy of all the papers referenced in the Petition, including:

1. Exhibit A, a letter that was sent to Mr. Paul R. Niehaus, counsel for Dr. Yuen, on May 11, 2004 and enclosed, among other things, a declaration in connection with this case for Dr. Yuen's signature;
2. Exhibit B, Mr. Niehaus' response of May 18, 2004, indicating that Dr. Yuen will not be providing the signature; and
3. Exhibit C, a letter requesting reconsideration of Dr. Yuen's refusal to join this reissue application, sent to Mr. Niehaus on May 25, 2004.

A copy of the September 21, 2004 Decision Refusing Status Under 37 C.F.R. § 1.47(a) is also being submitted herewith.

Applicants also wish to note a typographical error in the July 9, 2004 Petition in which Exhibit A was indicated as being dated March 11, 2004 instead of May 11, 2004.

Applicants submit that all requirements of 37 C.F.R.

§ 1.47(a) have now been satisfied. The Director is hereby authorized to charge any fee that may be due in connection with this Reply to Deposit Account No. 06-1075 (Order No. 004033-0030). A duplicate copy of this Request is enclosed herewith.

Prompt reconsideration and acceptance of the Petition Under 37 C.F.R. § 1.47(a) is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alex Shvarts", is written over a horizontal line.

Alexander Shvarts
Reg. No. 47,943
Attorney for Applicants

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
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PATENT APPLICATION

Application for
Reissue of Patent No. : 6,321,381

Issued : November 20, 2001

Applicants : Henry C. Yuen et al.

Application No. : 10/720,006 Conf. No. : 3985

Filed : November 20, 2003

For : APPARATUS AND METHOD FOR IMPROVED
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Art Unit : 2614

New York, New York 10020
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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

This is in response to the September 21, 2004
Decision Refusing Status Under 37 C.F.R. § 1.47(a) issued by
the U.S. Patent and Trademark Office ("USPTO") for the above-
identified patent application. The Decision states that the
Petition Under 37 C.F.R. § 1.47(a) filed by applicants on
July 9, 2004 failed to establish that a bona fide effort had

been made to present a copy of the application papers to each non-signing inventor, and that the non-signing inventor received a copy of those application papers and thereafter refused to execute the oath or declaration. In particular, the Decision states that while applicants' Petition references the enclosure of a written refusal by the legal representative of the non-signing inventor, no such document has been located in the official application file.

While applicants believe all referenced documents were transmitted with the July 9, 2004 Petition Under 37 C.F.R. § 1.47(a), if there was, in fact, a missing document, it was left out inadvertently and unintentionally. In response to the Decision, applicants are submitting herewith a copy of the July 9, 2004 Petition Under 37 C.F.R. § 1.47(a), as well as a copy of all the papers referenced in the Petition, including:

1. Exhibit A, a letter that was sent to Mr. Paul R. Niehaus, counsel for Dr. Yuen, on May 11, 2004 and enclosed, among other things, a declaration in connection with this case for Dr. Yuen's signature;
2. Exhibit B, Mr. Niehaus' response of May 18, 2004, indicating that Dr. Yuen will not be providing the signature; and
3. Exhibit C, a letter requesting reconsideration of Dr. Yuen's refusal to join this reissue application, sent to Mr. Niehaus on May 25, 2004.

A copy of the September 21, 2004 Decision Refusing Status Under 37 C.F.R. § 1.47(a) is also being submitted herewith.

Applicants also wish to note a typographical error in the July 9, 2004 Petition in which Exhibit A was indicated as being dated March 11, 2004 instead of May 11, 2004.

Applicants submit that all requirements of 37 C.F.R.

§ 1.47(a) have now been satisfied. The Director is hereby authorized to charge any fee that may be due in connection with this Reply to Deposit Account No. 06-1075 (Order No. 004033-0030). A duplicate copy of this Request is enclosed herewith.

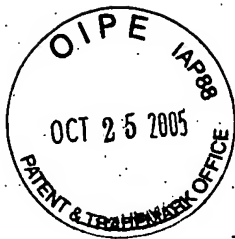
Prompt reconsideration and acceptance of the Petition Under 37 C.F.R. § 1.47(a) is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alex Shvarts", is written over a horizontal line.

Alexander Shvarts
Reg. No. 47,943
Attorney for Applicants

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION

Application for Reissue of

Patent No. : 6,321,381

Issued : November 20, 2001

Patentees/
Reissue Applicants : Henry C. Yuen et al.For : SYSTEM FOR IMPROVED PARENTAL
CONTROL OF TELEVISION USE

Assignee : Gemstar Development Corporation

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

This Petition under 37 C.F.R. § 1.47(a) is made to set forth the pertinent facts concerning the refusal of inventor Henry C. Yuen to join in the above-identified reissue application. This Petition is submitted with applicants' response to the March 10, 2004 Notice to File Missing Parts of Nonprovisional Application issued in this case, which is accompanied by declarations executed by inventors Roy J. Mankovitz and Daniel S. Kwoh.

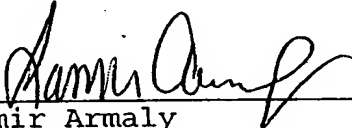
Inventor Henry C. Yuen has refused to join this case. Attached as exhibit A is a letter that was sent to Mr. Paul R. Niehaus, counsel for Dr. Yuen, on March 11, 2004 and enclosed, among other things, a declaration in connection with this case for Dr. Yuen's signature. In Mr. Niehaus' response of May 18, 2004, attached as exhibit B, it was indicated that Dr. Yuen will not be providing the

signature. A letter requesting reconsideration of Dr. Yuen's refusal to join this reissue application, attached as exhibit C, was sent to Mr. Niehaus on May 25, 2004. No further communication from Mr. Niehaus has been received regarding this matter.

Pursuant to 37 C.F.R. § 1.47(a), the last known address of nonsigning inventor Henry C. Yuen is:

P.O. Box 438
Pasadena, California 91102

Respectfully submitted,

Date: 7/2/04 By: 
Samir Armaly
Vice President, Intellectual
Property and Licensing



May 11, 2004

VIA EXPRESS MAIL AND E-MAIL

CONFIDENTIAL

Paul R. Niehaus, Esq.
ARKIN KAPLAN LLP
590 Madison Avenue, 35th Floor
New York, NY 10022

RE: DR. YUEN AND MS. LEUNG PATENT-RELATED MATTERS

Dear Paul:

Thank you for your previous assistance in facilitating the execution of various formal documents in connection with Assigned Intellectual Property under the Termination Agreement dated November 2, 2002 ("Termination Agreement") between Dr. Henry Yuen and Gemstar – TV Guide International, Inc.

As you are already aware, we have been working with our outside patent counsel to gather and prepare all of the outstanding formal documents requiring Dr. Yuen's and Ms. Leung's signatures so as to bring closure to this matter as quickly and as efficiently as possible. We believe that the following formal documents represent all of the outstanding formal documents that require the attention of Dr. Yuen and Ms. Leung.

All of the documents are related to pending applications and/or patents within the Assigned Intellectual Property category under the Termination Agreement. For your reference, the documents have been organized into two categories. The first category of documents – 1 through 14 – are related to cases specifically identified in Schedule A of the Termination Agreement as Assigned Intellectual Property. The second category of documents – 15 through 17 – are related to cases that we believe fall within the definition of Assigned Intellectual Property under the Termination Agreement, although were not specifically identified in Schedule A of the Termination Agreement as Assigned Intellectual Property, nor specifically identified in Schedule B of the Termination Agreement as Employee Intellectual Property.

SPECIFICALLY IDENTIFIED IN SCHEDULE A OF TERMINATION AGREEMENT

- 1) Reissue Declaration, with Copy of Application Papers (including specification, claims, and drawing figures) for Reissue Application of U.S. Patent No. 6,321,381, For:
SYSTEM FOR IMPROVED PARENTAL CONTROL OF TELEVISION USE
Attorney Docket No.: GS-30 Cont. 4 (37562)
Due Date: June 10, 2004
- 2) Italian Power of Attorney for Application Serial No. 95929331.7 (Granted Through EP 772,481), For:

APPARATUS AND METHODS FOR CONTROLLING EDUCATIONAL AND AMUSEMENT USE OF A TELEVISION

Attorney Docket No.: IS-21 IT (26781)

Due Date: May 30, 2004

- 3) Chinese Power of Attorney for Application Serial No. 200410028227.3, For:
METHOD AND APPARATUS FOR DISPLAYING TELEVISION PROGRAMS AND RELATED TEXT
Attorney Docket No.: GS-61 Div. CN (28354)
Due Date: As Soon As Possible
(requires signatures of Dr. Yuen and Ms. Leung)
- 4) *U.S. Assignment Document for Application Serial No. 10/377,398, For:
TWO-WAY COMMUNICATIONS LINK AT SUB-OPERATING SYSTEM LEVEL
Attorney Docket No.: 49948
Due Date: As Soon As Possible
- 5) *Multiple Jurisdiction (US, FR, DE, IT, ES) Assignment Document, For:
APPARATUS AND METHODS FOR CONTROLLING EDUCATIONAL AND AMUSEMENT USE OF A TELEVISION
Attorney Docket No.: 26781
Due Date: As Soon As Possible
- 6) *Multiple Jurisdiction (CN, MX) Assignment Document, For:
METHOD AND APPARATUS FOR DISPLAYING TELEVISION PROGRAMS AND RELATED TEXT
Attorney Docket No.: 30554
Due Date: As Soon As Possible
(requires signatures of Dr. Yuen and Ms. Leung)
- 7) *Assignment Document for Singapore Patent No. 70566, For:
APPARATUS AND METHOD OF USING COMPRESSED CODES FOR SCHEDULING BROADCAST INFORMATION RECORDING
Attorney Docket No.: 23285
Due Date: As Soon As Possible
- 8) *Assignment Document for Japanese Application No. 7-501076, For:
SYSTEM AND METHOD FOR AUTOMATICALLY RECORDING TELEVISION PROGRAMS IN TELEVISION SYSTEMS WITH TUNERS EXTERNAL TO VIDEO RECORDERS
Attorney Docket No.: 25645
Due Date: As Soon As Possible

- 9) *Multiple Jurisdiction (BE, DK, GB, FR, DE, NL, IT, ES) Assignment Document,
For:
APPARATUS AND METHOD FOR CHANNEL SCANNING BY THEME
Attorney Docket No.: 27165
Due Date: As Soon As Possible
(requires signatures of Dr. Yuen and Ms. Leung)
- 10) *Multiple Jurisdiction (CN, JP, TW) Assignment Document, For:
**METHOD AND APPARATUS FOR DISPLAYING TELEVISION PROGRAMS
AND RELATED TEXT**
Attorney Docket No.: 28354
Due Date: As Soon As Possible
(requires signatures of Dr. Yuen and Ms. Leung)
- 11) *Assignment Document for Mexican Application No. 987028, For:
IMPROVED TELEVISION TUNING SYSTEM
Attorney Docket No.: 30522
Due Date: As Soon As Possible
- 12) *Assignment Document for Japanese Patent No. 3392867, For:
ENHANCING OPERATIONS OF VIDEO TAPE CASSETTE PLAYERS
Attorney Docket No.: 25600
Due Date: As Soon As Possible
- 13) *Multiple Jurisdiction (US, JP, MX, CN) Assignment Document, For:
**APPARATUS AND METHOD USING COMPRESSED CODES FOR
TELEVISION PROGRAM RECORD SCHEDULING**
Attorney Docket No.: 24931
Due Date: As Soon As Possible
- 14) *Multiple Jurisdiction (ID, CN, JP, MX) Assignment Document, For:
**APPARATUS AND METHOD USING COMPRESSED CODES FOR
SCHEDULING BROADCAST INFORMATION RECORDING**
Attorney Docket No.: 23285
Due Date: As Soon As Possible

ASSIGNED INTELLECTUAL PROPERTY

- 15) *Multiple Jurisdiction (JP, AU, CA) Assignment Document, For:
PROGRAM DIRECTORY FOR VIDEO TAPE CASSETTE
Attorney Docket No.: 24434
Due Date: As Soon As Possible

Paul R. Niehaus, Esq.
May 11, 2004
Page 4

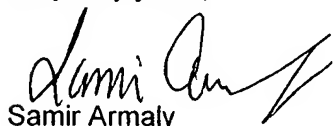
- 16) *Assignment Document for German Design Patent No. M9305219.7, For:
REMOTE CONTROL
Attorney Docket No.: 25200
Due Date: As Soon As Possible
- 17) *Assignment Document for Indian Design Patent No. 164821, For:
**CONTROLLER FOR VIDEO CASSETTE RECORDERS, CABLE AND
SATELLITE RECEIVERS**
Attorney Docket No.: 23736
Due Date: As Soon As Possible

These documents have various due dates and we have tried to identify the due date associated with each document, the most urgent of which is May 30, 2004. This is the date by which we need to submit the document to the Italian Patent Office and therefore we would appreciate it if you could provide us with at least this document executed no later than Tuesday, May 25, 2004, and the rest of the documents as soon as possible thereafter. Please note that the documents identified above with an asterisk (*) require that they be signed before a Notary Public, and certain of the documents require the signature of Dr. Yuen and Ms. Leung. Please have the executed documents returned to my attention at:

Gemstar – TV Guide International, Inc.
6922 Hollywood Boulevard
Los Angeles, California 90028

Once you have had an opportunity to review these materials, I would appreciate it if we could schedule a call to make sure there are no outstanding issues and that we will be able to receive the various documents well in advance of their respective due dates. Thank you again for your cooperation and assistance in this matter.

Very truly yours,



Samir Armaly
Vice President, Intellectual Property and Licensing

Enclosures

cc: Steve Kay, Esq.

**ARKIN KAPLAN LLP**

ATTORNEYS AT LAW

590 Madison Avenue
New York, New York 10022
Tel: (212) 333-0200
Fax: (212) 333-2350

9536 Wilshire Boulevard
Suite 500
Beverly Hills, California 90212
(310) 273-3777

Paul R. Niehaus
Associate
Direct Dial: (212) 333-0226
E-mail: pnichaus@arkin-law.com

May 18, 2004

BY FACSIMILE AND U.S. MAIL

Samir Armaly
V.P. Intellectual Property and Licensing
Gemstar-TV Guide International, Inc.
6922 Hollywood Blvd. 2nd Floor
Hollywood, CA 90028

Dear Samir:

I have received your letter dated May 11, 2004 regarding patent-related matters.

Because Gemstar-TV Guide International, Inc. ("Gemstar") has repudiated its obligations under the various agreements entered into on November 7, 2002 between Gemstar, The News Corporation, Ltd., Henry C. Yuen and Elsie M. Leung (the "Restructuring Agreements"), any obligations Dr. Yuen and Ms. Leung may have had pursuant to those Restructuring Agreements are null and void.

Very truly yours,

Paul R. Niehaus

cc: Steve Kay, Esq.



May 25, 2004

CONFIDENTIAL

Mr. Paul R. Niehaus, Esq.
ARKIN KAPLAN LLP
590 Madison Avenue, 35th Floor
New York, NY 10022

Re: Dr. Yuen and Ms. Leung Patent – Related Matters

Dear Paul:

We have received your letter dated May 18, 2004 in which you indicated that Dr. Yuen and Ms. Leung would not be providing Gemstar – TV Guide International, Inc. ("Gemstar") with the requested assistance in connection with Assigned Intellectual Property pursuant to their obligations under the Termination Agreement dated November 2, 2002 ("Termination Agreement"), including but not limited to those obligations under Section 12(e) of the Termination Agreement.

We are disappointed by the refusal of Dr. Yuen and Ms. Leung to provide the requested assistance as required under the Termination Agreement, and respectfully request that they reconsider this decision immediately.

If Dr. Yuen and Ms. Leung continue to refuse to provide the requested assistance, please be advised that Gemstar will take all necessary steps to protect its undivided interest in the Assigned Intellectual Property. To the extent that such refusal to provide the requested assistance impairs, in any way, Gemstar's interest in the Assigned Intellectual Property, Gemstar will hold Dr. Yuen and Ms. Leung fully accountable for all damages flowing from that impairment.

Nothing in this letter shall be construed to be a waiver of any rights or remedies that may be available to Gemstar under the Termination Agreement or any of the other agreements among Gemstar, Dr. Yuen and Ms. Leung.

We look forward to receiving a response at your earliest convenience.

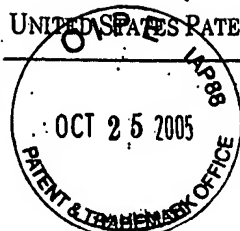
Very truly yours,

Samir Armaly
Vice President
Intellectual Property & Licensing

cc: Steve Kay, Gemstar – TV Guide International, Inc.



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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SEP 21 2004

In re Application of	:	OFFICE OF PETITIONS
Yuen, et al.	:	
Application No. 10/720,006	:	DECISION REFUSING
Filed: November 20, 2003	:	STATUS UNDER 37 CFR
Dkt. No. 51554/WWWM/G207	:	1.47(a)
Title: APPARATUS AND	:	
METHOD FOR IMPROVED	:	
PARENTAL CONTROL OF	:	
TELEVISION USE	:	

The above-identified application has been referred to the Office of Petitions for consideration of the petition under 37 CFR 1.47(a) filed July 9, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed November 20, 2003 without a fully executed oath or declaration and naming Henry C. Yuen as a joint inventor. As a result a Notice to File Missing Parts of Reissue Application was mailed March 10, 2004 requiring submission of an oath or declaration and surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a

statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirement (1) set forth above. Petitioners have failed to establish that despite diligent effort, Henry C. Yuen refuses to execute the oath or declaration after having been presented with the application papers.

Petitioners are reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to each non-signing inventor. Petitioners have failed to establish that the non-signing inventor received a copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the oath or declaration.

While the petition references the enclosure of a written refusal by the legal representative of the non-signing inventor, no such document has been located in the official application file.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor and/or the legal representative of the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor and/or the legal representative of the non-signing inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor and/or the legal representative of the non-signing inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

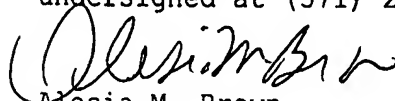
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

By facsimile: (703) 872-9306

By hand: U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Petition**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310. Telephone inquiries after September 27, 2004 should be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
Senior Petitions Attorney
Office of Petitions